

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

KEN JOSEPH,)	
)	
Plaintiff,)	
)	
v-)	Case No.
)	
NCO FINANCIAL SYSTEMS, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441(b), and 1446, Defendant, NCO Financial Systems, Inc. (NCO), by its attorney, hereby removes this action from the Magistrate Court of Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division. In support of this Notice of Removal, NCO respectfully states as follows:

1. Plaintiff, Ken Joseph (plaintiff), commenced this action by filing a civil Complaint against NCO in the Magistrate Court of Gwinnett County, Georgia where it is presently captioned as *Ken Joseph v. NCO Financial Systems, Inc.*, Case No. 15-M-08776. NCO consents to removal and there are no other defendants in this matter.

2. In the Complaint, plaintiff alleges statutory causes of action against NCO under the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227, *et seq.*, and the federal Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692, *et seq.* A true and correct copy of plaintiff's Complaint filed in the Magistrate Court of Gwinnett County, Georgia is attached hereto as **Exhibit "A."**

3. Plaintiff served NCO with his Complaint on or about March 31, 2015.

4. This Court has federal question jurisdiction over plaintiff's claims pursuant to 15 U.S.C. 1692k, and 28 U.S.C. §§ 1331 and 1441(b) in that the claims are "founded on a claim or right arising under the . . . laws of the United States"

5. Venue is proper in this District as the Magistrate Court of Gwinnett County, Georgia, the Court in which this action was filed, is within the Northern District of Georgia, Atlanta Division.

6. This Notice of Removal is timely, having been filed within thirty (30) days of the date on which NCO was served with plaintiff's Complaint. *See* 28 U.S.C. § 1446.

7. Written notice of this Notice of Removal of this action is being immediately provided to the Magistrate Court of Gwinnett County, Georgia. *See* **Exhibit "B."**

8. Written notice of this Notice of Removal of this action is being caused to be served on plaintiff.

WHEREFORE, Defendant, NCO Financial Systems, Inc., hereby removes this action from the Magistrate Court of Gwinnett County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division.

Respectfully submitted,

/s/ Wendi E. Fassbender

Wendi E. Fassbender, Esq.

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**Attorneys for Defendant,
NCO Financial Systems, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2015, a copy of the foregoing **Notice of Removal** was electronically filed with the Clerk of the Court, United States District Court for the Northern District of Georgia, Atlanta Division, and served via certified mail, return receipt requested upon the following:

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/s/ Wendi E. Fassbender
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**Attorneys for Defendant,
NCO Financial Systems, Inc.**

I additionally certify that the above-referenced document has been prepared in Times New Roman (14 point) font and this satisfied the font size requirements of this Court.

/s/ Wendi E. Fassbender
Wendi E. Fassbender, Esq.